Reg. No. KL/TV/12.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XX] Trivandrum, Wednesday, 29th October 1975 / 7th Karthika 1897 [No. 634

GOVERNMENT OF KERALA

Food (B) Department

NOTIFICATION

No. 13027/B1/75/Food. *Dated, Trivandrum, 21st October* 1975.

S. R. O. No. 1007/75.—In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the order of the Government of India in the Ministry of Agriculture (Department of Food) No. G. S. R. 316 (E) dated the 20th June, 1972, published in the Gazette of India Extraordinary, Part II, Section 3, Subsection (1), dated the 20th June, 1972, the Government of Kerala hereby make the following further amendments to the Kerala Rationing Order, 1966, namely:—

AMENDMENTS

In the said order,—

(1) in sub-clause (11) of clause 45, the words, "The Government or" and "themselves or", wherever they occur, shall be omitted;

(2) in sub-clause (11) of clause 51, the words, "The Government or" and "themselves or", wherever they occur, shall be omitted;

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(3) in clause 70, the words, "The Government or" and "themselves or", wherever they occur. shall be omitted;

(4) after clause 70, the following new clause shall be inserted, namely:—

"71. The Government may call for and examine the records of any order passed by the Commissioner or any other subordinate authority under the provisions of this Order for the purpose of satisfying themselves as to the legality or to the propriety of such order and may pass such orders in reference thereto as the Government may deem fit:

Provided that no order to the disadvantage of a person shall be passed under this clause unless the person concerned is given an opportunity of making any representation which he may wish to make against such order".

By order of the Governor,

P. M. ABRAHAM,

Special Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

In O. P. No. 3960 of 1973, the High Court of Kerala has held that clause 45 (11) of the Kerala Rationing Order, 1966 contemplates only one revision either by the Government or the Commissioner of Civil Supplies and that in a case where the Commissioner of Civil Supplies has already exercised the revisional powers the Government have no jurisdiction for a second revision. This judgement would also affect the provisions in Clauses 51 (11) and 70 of the Order. The Government have decided that the Commissioner of Civil Supplies may be the sole revisionary authority under the Kerala Rationing Order. However, it has been decided that the Government should have the power to call for the records and examine the legality and propriety of any order passed by the Commissioner of Civil Supplies or any subordinate authority under the provisions of the Kerala Rationing Order, 1966. These amendments are intended t achieve the above objects.

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GOVERNMENT OF KERALA

Industries (B) Department

NOTIFICATION

No. 25739/B3/75/ID. *Dated, Trivandrum, 29th October 1975.*

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the Government of India, Ministry of Commerce Notification No. S. O. 1844 dated the 18th June, 1966, published in the Gazette of India Extraordinary dated the 18th June, 1966, the Government of Kerala hereby make the following amendments to the Kerala Cement Distribution (Licensing and Regulation) Order, 1974, issued in G. O. (P) No. 52/74/ID dated the 16th March 1974 and published in the Kerala Gazette Extraordinary No. 292 dated the 16th March 1974, namely;—

AMENDMENTS

In the said Order,—

1. for sub-clause (a) of clause 2, the following clause shall be substituted, namely:—

"(a) "Cement" means any variety of cement manufactured in India, and includes portland pozzolana cement, blast

furnace slag cement, water-proof (hydrophobic) cement, rapid hardening cement, low heat cement, masonry cement and grey cement of specific surface not less than 3500 cm2/g, but does not include oil-well cement and white and coloured cement (Other than grey portland cement);"

2. after sub-clause (3) of clause 4, the following sub-clause shall be added, namely:—

"(4) A stockist who has been granted a licence under sub-clause (1) above shall not stock in the same premises or deal, directly or through relatives or agents, in any other variety of cement except that covered by the definition in sub-clause (a) of clause 2, and white or coloured cement."

3. clauses 3, 18, 19 and 20 shall be omitted;

4. in Form A, after item 6, the following items shall be inserted, namely:—

"7. Whether there is any other licence in the applicant's name or in the name of his relatives or agents or whether the applicant is a partner of any firm for which a licence was granted under the Kerala Cement Distribution (Licensing & Regulation) Order, 1974.

8. Whether the applicant intends to deal in ordinary portland Cement or any other Cement.";

5. in Form B, in paragraph 5, item (4) shall be omitted;

6. in Form C, the words "under permit issued by officers of the State Government." occurring in column 3, shall be omitted;

7. forms D and E shall be omitted.

These amendments shall come into force with effect from 1-11-1975.

By order of the Governor,

K. NARAYANAN,

Special Secretary to Government.

Explanatory Note

(This note is not part of the Notification, but is intended to indicate its general purport).

Consequent on the lifting of power cut imposed by certain State Governments, the production of Cement has increased considerably. Hence, the Government of Kerala have decided to relax the Control on the distribution of Cement, subject to certain conditions. The Stockists should maintain proper accounts and registers showing the stock available with them and the stock received from the Factories. They should issue Bills to the Consumers showing their names and addresses and should display in their place of business prominently the price and stock position. While relaxing the control on the distribution of ordinary portland Cement, Government have decided to impose certain restrictions on the sale of 'Superfine Cement' in order to prevent malpractices. These amendments are aimed at deleting the relevant clauses and incorporating necessary additional clauses in the Kerala Cement Distribution (Licensing & Regulation) Order 1974 issued in G. O. (P) No. 52/74/ID dated 16-3-1974 to achieve the above purposes."

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